

Notice of Allowability

Application No.

09/512,228

Applicant(s)

DIFRANCO, ELSON

Examiner

Joseph D. Anthony

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 06/14/04.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 06/14/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Joseph D. Anthony
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Loren Pearson (Reg. # 42,987) on 07/22/04.

The application has been amended as follows:

Claim 1 (currently amended) A method for treating fatty acids comprising:
adding an iodine catalyst selected from the group consisting of iodine (I₂) and iron iodine (FeI₂) to a fatty acid, which contains polyunsaturated components, to form a mixture; heating said mixture to cause conjugation of said polyunsaturated components;
further reacting said mixture under heat with the addition of a polymerization catalyst to cause polymerization of the conjugated polyunsaturated components to produce a composition containing about 100% by weight of a mixture of linoleic dimer/trimer acids and oleic acid;
and recovering, based on the weight of the starting material, at least 50% or more oleic acid from said composition.

In claim 11, line 2, delete the word "further".

In claim 13, line 2, delete the word "further".

Claims 20-27 have been canceled.

2. The following is an examiner's statement of reasons for allowance: Support for the above examiner's amendment is found in claims 20 and 27 both now canceled, and within the examples that disclose polymerization of the conjugated polyunsaturated components to produce a composition containing about 100% by weight of a mixture of linoleic dimer/trimer acids and oleic acid.

The examiner's amendment inserting the limitation of wherein the added iodine catalyst is selected from the group consisting of iodine (I₂) and iron iodine (FeI₂) was done to overcome the previously applied Ralston patent which uses amine hydroiodides as the conjugation catalyst and teaches against the use of other catalyst such as ferrous iodide as conjugation catalyst, see column 2, line 32 to column 3, line 13.

The examiner's amendment inserting the limitations of about 100% by weight of a mixture of, and based on the weight of the starting material, at least 50% or more, where made to overcome the previously applied Matsuo et al. Patent as a primary reference because Matsuo et al clearly neither teaches or suggests a disproportionate reaction of fatty acids that would result in sufficient

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C18 conjugated diene acids that could subsequently be polymerized, as suggest by the applied secondary references, to meet said newly added, by the above examiner's amendment, concentration limitations, see column 7 and Table 3 of Matsuo et al..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. This examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 6:30 p.m. in the eastern time zone. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (703) 872-9306. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.



Joseph D. Anthony
Primary Patent Examiner
Art Unit 1714

7/22/04